

STATE OF INDIANA)
)
COUNTY OF MARION)

SS:

IN THE MARION CIRCUIT COURT
CAUSE NO. 49C01-0502-PL-004556

STATE OF INDIANA,)

Plaintiff,)

v.)

MARY DREIBELBIS,)

Defendant.)

FILED

32

MAR 14 2005

Dana Gray Scheller
CLERK OF THE
MARION CIRCUIT COURT

DEFAULT JUDGMENT AGAINST MARY DREIBELBIS

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment Against Mary Dreibelbis and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendant, Mary Dreibelbis.
2. The Defendant was served with notice of these proceedings and a copy of the Complaint for Injunction, Restitution, Costs and Civil Penalties.
3. The Defendant has failed to appear, plead, or otherwise respond to the complaint.
4. The Defendant is not an infant, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendant, Mary Dreibelbis.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendant, Mary Dreibelbis, is permanently enjoined from engaging in the following:

- a. representing expressly or by implication the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or reasonably should know it does not have;
- b. representing expressly or by implication the Defendant is able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendant knows or reasonably should know she can not; and
- c. representing expressly or by implication a consumer will be able to purchase the subject of a consumer transaction as advertised by the Defendant, if the Defendant does not intend to sell it.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered for the Plaintiff, State of Indiana, against the Defendant, Mary Dreibelbis, as follows:

- a. The contracts previously entered into by the Defendant with consumers Matthew Tremaine and Deborah Sue McGee are cancelled pursuant to Ind. Code § 24-5-0.5-4(d);
- b. The Defendant shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), Matthew Tremaine of Irvine, California, in the amount of One Thousand Six Hundred and Ninety-Nine Dollars and Ninety-Nine Cents (\$1,699.99), payable to the Office of the Attorney General;

c. The Defendant shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Deborah Sue McGee of Muscle Shoals, Alabama, in the amount of Nine Hundred and Fifty-Five Dollars (\$955.00), payable to the Office of the Attorney General;

d. The Defendant shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of Four Hundred Twelve Dollars and Fifty Cents (\$412.50);

e. The Defendant shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendant's knowing violations of the Deceptive Consumer Sales Act, in the amount of Two Thousand Dollars (\$2,000.00), payable to the State of Indiana; and

f. The Defendant shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendant's intentional violations of the Deceptive Consumer Sales Act, in the amount of Two Thousand Dollars (\$2,000.00), payable to the State of Indiana.

For a total monetary judgment in the amount of Six Thousand and Seventy-Eight Dollars and Fifty Cents (\$7,067.49).

ALL ORDERED, ADJUDGED AND DECREED on this ____ day of

____ **MAR 14 2005** ____, 2005.

RECOMMENDED FOR APPROVAL

Lynnda J. Support

Judge, Marion Circuit Court
APPROVED AND ORDERED

Theodore M. Sain

Distribution:

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